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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,045	03/15/2001	Takuya Kobayashi	2001_0309A	3218

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EXAMINER

KLINGER, SCOTT M

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

09/808,045

**Applicant(s)**

KOBAYASHI ET AL.

**Examiner**

Scott M. Klinger

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 5 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-5, 7-10, 12-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-5, 7-10, 12-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Claims 2-5, 7-10, 12-15, 17-20 are pending.

#### *Response to Arguments*

Applicant's arguments with respect to claims 2-5, 7-10, 12-15, and 17-20 have been considered but are moot in view of the new ground(s) of rejection, necessitated by amendments.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, 7-10, 12-15, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mutschler, III et al. (U.S. Patent Number 5,974,430, hereinafter "Mutschler") in view of Lev et al. (U.S. Patent Number 5,729,544, hereinafter "Lev").

In referring to claims 2, 7, 12, 17, Mutschler shows substantial features of the claimed invention, including:

- A browser section operable to extract locational information of each of the sub-content data by analyzing the received content data, and to then generate a retrieval request specifying locational information of content data to be retrieved presently:

*"At least one of the clients executes a Web browser program. The method of the present invention operates in the server and at least one of the clients for supporting dynamic access to objects stored in the server repository by the Web browser program."*

(Mutschler, col. 11, lines 44-48)

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- A communication control section operable to receive content data specified by said browser section from the server:

*“More specifically, the method begins in the client by parsing an SCL Text parameter to obtain references to objects stored in the server repository (block 150). For each reference to an object stored in the server repository, a message is constructed for the Repository Object for transmission to the Web server (diamond 151, block 152).”*  
(Mutschler, col. 11, lines 48-56)

However, Mutschler does not show choosing a connection method on the client. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Mutschler as evidenced by Lev.

In analogous art, Lev discloses a method for transmitting data packets based on message type. Lev Fig. 4 shows determining message type **403** and using that information to determine whether to use packet or circuit switching **404**. The system of Lev determines the connection type at the source rather than the destination, this would not preclude a client system from taking advantage of the apparent advantages of tailoring the connection type for the type of data that is to be requested.

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Mutschler so as to extract a connection method from the data to be retrieved, such as taught by Lev, in order to use circuit switching for streaming data and packet switching for data that doesn't require packets to be sent in a certain order.

In referring to claims 3-5, 8-10, 13, 14, 18, 19 Mutschler shows substantial features of the claimed invention, including:

- A browser section operable to extract locational information of each of the sub-content data by analyzing the received content data, and to then generate a retrieval request specifying locational information of content data to be retrieved presently:

*“At least one of the clients executes a Web browser program. The method of the present invention operates in the server and at least one of the clients for supporting dynamic*

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*access to objects stored in the server repository by the Web browser program.”*

(Mutschler, col. 11, lines 44-48)

- A communication control section operable to receive content data specified by said browser section from the server:

*“More specifically, the method begins in the client by parsing an SCL Text parameter to obtain references to objects stored in the server repository (block 150). For each reference to an object stored in the server repository, a message is constructed for the Repository Object for transmission to the Web server (diamond 151, block 152).”*

(Mutschler, col. 11, lines 48-56)

However, Mutschler does not show choosing a connection method on the client. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Mutschler as evidenced by Lev.

In analogous art, Lev discloses a method for transmitting data packets based on message type. Lev Fig. 4 shows determining message type 403 and using that information to determine whether to use packet or circuit switching 404. Lev also shows using a table to store the classification of the different data types: *“The preferred classification of all possible message types can be predetermined and stored in the network interfacier”* (Lev, col. 4, lines 44-46). The system of Lev determines the connection type at the source rather than the destination, this would not preclude a client system from taking advantage of the apparent advantages of tailoring the connection type for the type of data that is to be requested.

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Mutschler so as to extract a connection method from the data to be retrieved, such as taught by Lev, in order to use circuit switching for streaming data and packet switching for data that doesn't require packets to be sent in a certain order.

In referring to claims 15 and 20 Mutschler shows substantial features of the claimed invention, including:

- A browser section operable to extract locational information of each of the sub-content data by analyzing the received content data, and to then generate a retrieval request specifying locational information of content data to be retrieved presently:

*"At least one of the clients executes a Web browser program. The method of the present invention operates in the server and at least one of the clients for supporting dynamic access to objects stored in the server repository by the Web browser program."*  
(Mutschler, col. 11, lines 44-48)

- A communication control section operable to receive content data specified by said browser section from the server:

*"More specifically, the method begins in the client by parsing an SCL Text parameter to obtain references to objects stored in the server repository (block 150). For each reference to an object stored in the server repository, a message is constructed for the Repository Object for transmission to the Web server (diamond 151, block 152)."*  
(Mutschler, col. 11, lines 48-56)

However, Mutschler does not show choosing a connection method on the client. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Mutschler as evidenced by Lev.

In analogous art, Lev discloses a method for transmitting data packets based on message type. Lev Fig. 4 shows determining message type 403 and using that information to determine whether to use packet or circuit switching 404. Lev also shows using a table to store the classification of the different data types: *"The preferred classification of all possible message types can be predetermined and stored in the network interfacier"* (Lev, col. 4, lines 44-46). Finally, Lev shows using the header to determine what type of connection to make: *"the message type is determined by the application sourcing the information and is indicated in the TCP session header"* (Lev, col. 4, lines 39-41). The system of Lev determines the connection type at the source rather than the destination, this would not preclude a client system from taking advantage of the apparent advantages of tailoring the connection type for the type of data that is to be requested. If a client system, such as that of Mutschler, were to take advantage of these

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teachings it would be obvious to request a header in order to determine content type and/or size if there were no other way to determine it (i.e. file extension).

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Mutschler so as to extract a connection method from the data to be retrieved, such as taught by Lev, in order to use circuit switching for streaming data and packet switching for data that doesn't require packets to be sent in a certain order.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Klinger whose telephone number is (571) 272-3955. The examiner can normally be reached on M-F 9:00am - 5:30pm.

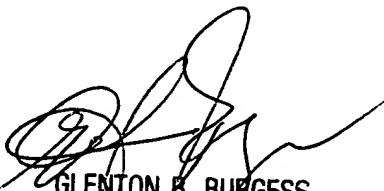
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott M. Klinger  
Examiner  
Art Unit 2153

smk



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